

THE 422  
JUDGMENT

OF THE  
LEARNED and PIOUS  
St. Augustine,  
CONCERNING  
PENAL LAVVES  
AGAINST  
CONVENTICLES,  
AND FOR  
UNITY in RELIGION.

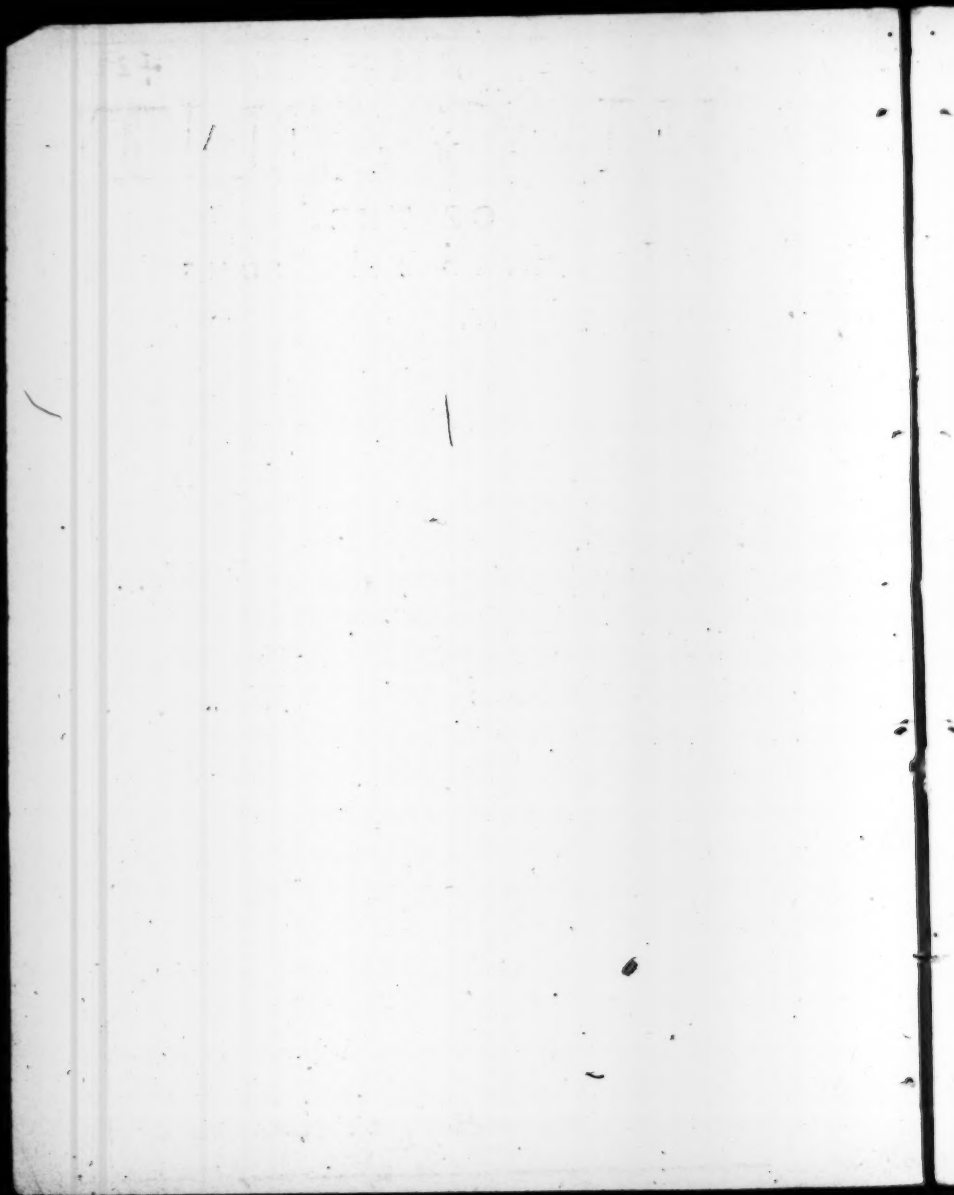
Deliver'd in His 48<sup>th</sup> Epistle to Vincentius.



L O N D O N,

Printed for James Collins, and to be sold at the  
Kings Armes in Ludgate-street, and at  
his Shop the Kings-head in West-  
minster-Hall, 1670.

1774/13.6m  
(3) 14p  
422





## To the READER.



*I* will not be thought Impertinent to publish this short Epistle, after so many Learned Discourses upon this Subject, if we consider the several Advantages which this may have above those, in these particular respects. First, because of the Great Esteem, which this Holy and Learned Prelate hath alwayes had in the Church of Christ, and especially in that part which hath accounted it self the most Reformed; and, we see, that most Men are more led by the Authority of the Writer, then the Strength of the Argument: Besides, whereas those who have Written amongst us are charged by the Adverse Party to be Partial, by reason of their Interest in the Present Controversie: This cannot be laid to the Charge of Him, who dyed so many hundred years before OUR PRESENT DEBATE. But, that which is most Considerable, is His great Experience of the

A 2,

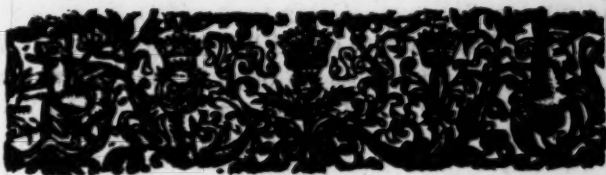
happy

## To the READER.

*Happy Success of those LAWS, (made in His Time,) by Christian Princes, against CONVENTICLES and FACTIOUS ASSEMBLIES; whereby whole Cities were reduced to the True Christian Faith and Unity: Which happy experience made Him Recant His Former Erronious Opinion, namely, That Christians were not to be urged by Penalties in such Cases, but onely by Arguments; and Confirmed Him in this Judgment, that Kings cannot serve God better, then by making Strict Lawes for the Profession, and Exercise of Christian Religion, in the Unity and Communion of the CHURCH, as you may see in the ensuing Discourse. Which experience, as it Convinced him, so it is hoped it may Convince these who are yet of that Erronious Opinion, and incourage AUTHORITY to persist stedfast in the EXECUTION of such LAWS, which have in all Ages been so Advantageous to the Peace and Quiet of CHURCH and STATE.*

---

THE



*The* JUDGMENT of the Learned and Pious  
 St. Augustine concerning PENAL LAWS against  
 CONVENTICLES, and for UNITY in  
 RELIGION.



Receiv'd a *Letter*, which I believed to be yours: He who brought it was a *Catholick Christian*, who, I think, durst not tell me a Lie: but, whether it were yours or not, I thought it fit to give an Answer. You may well think me now more desirous of ease and rest, then when you first knew me at *Carthage*, when *Rogatus* was alive, whom you succeeded. But, the *Donatists* are too unquiet, who ought to be *Restrain'd* and *Corrected* by the Powers which are *Ordain'd* by God: We *Foy* already in the *Correction* of many, who so earnestly Hold and Defend the *Catholick Unity*, and Rejoyce in their Deliverance from former *Error*; that we, with great thankfulness admire them, who formerly, I know not by what force of *Custom*, could by no means be brought to think of a Change for the better, till, affrighted with the Terror of the *Lawes*, they set their hearts seriously to the Consideration

deration of the Truth, least, if they should suffer punishments not for *Righteousness*, but for *Stubbornness*, and *Foolish Presumption*, their Patience would be fruitless and vain; and, they should find afterwards no other Reward from God, but the *Punishments* due to *Wickedness*, because they had Despised his Gentle Admonition and Fatherly Correction; and, by this Consideration being made Teachable, they found the Truth. Should I so far envy their Salvation, as to endeavour to take off my Collegues, from using this Fatherly Care, by which we see so many brought to Accuse their former Blindness?

These late Enemies of the *Church*, who disturb'd our *Peace* and *Quiet* with diverse kinds of Crafts and violent Assaults, if We should so far Contemn and Tolerate, as not to Provide and Use some Means to *Terrise* and *Correct* them, surely we should Return *Evil* for *Evil*: For, if any Man should see his Enemy (made Frantick by a high Favor) striving to run down a Precipice, Should he not then rather be Judged to return *Evil* for *Evil*, if he should willingly suffer him to run on to ruine, then if he should take care to bind him fast from running? And yet he would then appear to the distemper'd Man most troublesome, and most his Enemy, when he was most Merciful, and kind to save him: But certainly, when this man had recovered his Health and Wits, he would give him the more Thanks, because he was, as he thought then, so severe.

O that I could shew you how many, even of the *Pun-dering Troopers*, now become very good *Christians*, condemning their former *Life*, and miserable *Error*, whereby they thought, whatsoever they did, through their Unquiet Rashness, was for the Glory of God; who, had never been brought to this present soundness of Belief, unless they had been bound like Mad-men, with the Cords of those very *Lawes* which you find fault with.

There

There is another sort of Diseased persons who have not that turbulent boldness, but are oppress'd with Sloth and Restifness; who, when We perswade them to the Truth, say to *Us*, We cannot tell what to answer; but, it is hard for us to Leave the *Tradition* of our *Fathers*: Are not these to be awakened with fear, or smart of *Temporal Punishments*, that so Arising from their *Lethargick Sleep*, they may Awake unto *Salvation*? How many are there amongst us, of them, who, joying now with us, accuse their former sloth, and confess we did well to molest them thus; lest otherwise they should have perished by the *Disease* of an *Old Custome*, as by a deadly *Sleep*.

But, these Penalties, you say, have done some no good: What then? Is *Medicine* to be neglected, because some *Mens Plague* is incurable? it seems you take no notice of any, but those, who are so hard, that they cannot receive this *Discipline*; of such, the *Prophet* speaks, *Jer. 2. 30. In vain have I smitten your Children, they have received no Correction*: and yet they were Corrected in Love, not in Hatred. But, you ought to consider also, the many, of whose safety we Rejoyce.

If these Men were Terrify'd, and not Taught, it might seem wicked Tyranny: Again, if they were Taught, and not Terrify'd, they being hardned by old Custome, would be slowly moved to take the Right Way of *Salvation*.

Many, whom we know, when we Manifested to them the Truth by *Reason* and *Scriptures*, answered us, they desired to be received into the Communion of the Church, but they feared the displeasure of some of their Party; These Mens Infirmities must be borne with a while, nor may we forget that of our Saviour, *John 13. 36. Thou canst not follow me now, but thou shalt follow me after*. But when sound Teaching is added to this useful Terror, so that the *Light of Truth* may expel the *Darkness of Error*,  
and

and the *Force* of *Fear* may break the *Bonds* of *Evil Customs*, we do Joy, as I said, in the *Salvation* of many, blessing us, and Praising God for making good that his Promise, *That the Kings of the earth shall serve our Lord Christ*, by thus curing the Diseased, and healing the Weak. He is not alwayes our Friend who spares us, nor he alwayes our Enemy who strikes us: *Better are the wounds of a Friend, then the kisses of an Enemy*, Prov. 27. 6. It is better to love with Severity, then to deceive with Lenity; It is better to take the Bread from the hungry, if feeding him makes him neglect Righteousness; then to give him Bread to continue him unjust.

He that binds a Mad-man, and awakens a Lethargick; is troublesome to both, but loves both: Who can Love us more then God does? yet he does not only teach us kindly, but also profitably terrifies us; To his gentle Lenitives adding the bitter Medicament of Tribulation: He exercised the Pious and Religious *Patriarchs* with hunger, the stubborn People with greater Pains. He takes not from the *Apostle* the Thorn in the Flesh, though Thrice intreated, that he might perfect *Strength* in *Weakness*.

Let us Love our Enemies, for this is just, and Gods Command, that we may be like our Heavenly Father, who makes his *Sun* to *shine upon the good and bad*. But, as we commend his Gifts, so let us think of his Stripes, wherewith he scourges every Son whom he loves.

Think you that no man ought to be Compell'd to Goodness? when you read how the Father of the Family sent out his Servants to Compel them to come in whom they found, *Luke* 17. 23. When you read of *Saul*, afterwards *Paul*, compell'd by Christ himself with great violence, to receive and defend the Truth? Is Money dearer to Men then the sight of their Eyes, yet Christ strook him blind, and did not restore him to his sight, till he was



was Incorporated into *Holy Church*; and, Do you think that there is no Force to be used to Free Men from Dangerous Errors, when you see God who loves us (no one better) by diverse Instances doing the same? and hear *Christ* saying, *No man comes to me unless the Father drawes him*; which is done in the hearts of all, who turne to God for fear of his displeasure. Have ye not sometimes known a Thief, scattering Meat before the Sheep, to draw them away and steal them; and, a Shepheard with his Rod driving back the stragling Sheep to the Fold? We read of *Sarah* Chastising her stubborn servant *Hagar*, expelling her and her Son; and yet *St. Paul* sayes, That as then *Ishmael*, *he that was after the Flesh*, persecuted him that was after the Spirit, *Gal. 4.* So it is now: By which you may understand, that the *Church* rather suffers *Persecution*, by the Pride and Wickedness of Carnal Men, whom she endeavours to amend by Temporal Punishments and Corrections: Whatsoever therefore the TRUE MOTHER does in this Case, though it may seem harsh and bitter, she does not render evil for evil, but endeavours, by wholesome Discipline, to expel Sin; not out of hatred, or desire to hurt, but out of a love to heal.

When good and bad Men, doe, and suffer the same things, they are to be differenced, not by their Deeds or Sufferings, but by their Causes.

*Pharaoh* exercised the People of God with hard Labour, *Moses* Chastised the same People when they did wickedly; These did both the same things, but they did not aime alike at the Peoples good; in one it was Domineering *Pride*, in the other Pure *Charity*: *Fezabel* kill'd the Lords Prophets, *Elias* slew the false Prophets: I suppose the Merits of the Doers were as

B

diverse

diverse, as those of the Sufferers. View the times of the *New Testament*, when *Meekness* and *Charity* were not only to be kept in the *Heart*, but are to *Shine before Men*, when *Peters Sword*, by *Christs* own order, was Commanded into the *Sheath*, and we thereby Taught, that the *Sword* must not be drawn, no, not for *Christ*; yet, there we read, *God delivered up his Son to Death*; *The Son gave up Himself to Death*: And, it said of *Judas*, *That Satan entered into him, that he should deliver him to be Crucified*. Why is *God* good and just, and *Man* guilty and sinful in this *Act*, but because in the same thing which they both did, there was not the same cause for which they did it? There were three *Crosses* in the same place, on one hung the *Thief* that was to be saved, on another the *Thief* who was to be damned, *Christ* in the midst, who was to save one and condemn the other. What more like then these three *Crosses*? What more unlike then the three that hung thereon? *Paul* was delivered to *Prison* to be bound, *1 Cor. 5. St. Paul Delivers a man to Satan*, worse then any *Jaylor*, for the destruction of his *Flesh*, that the *Spirit* might be saved in the day of the *Lord*. Let us learn to *Discern* Difference or Intentions in the same *Actings*; nor let us shut ou eyes, and *Slander*, and *Accuse* Good Men for *Persecutors*, *1 Tim. 1. 20.* when the same *Apostle* sayes, *That he delivered some to Satan, that they might learn not to Blaspheme*: Did he render evil for evil? Did he not rather *Judge* it a good *Work* to amend ill Men by the *Evil One*? If it were alwayes *Praise-worthy* to suffer, it had been enough for our *Lord* to have said, *Blessed are they who suffer*: he needed not to have added, for *Righteousness* sake. If it were alwayes a *Fault*

to

to make any man suffer, it would never be Just to inflict Punishment: Sometimes therefore he is Unjust who suffers, and he Just who afflicts. Certainly at all times have the Evil persecuted the Good, and the Good punished the Wicked: those unjustly, to hurt; these, to amend by Discipline: Those Cruelly, these Mercifully; those serving their Lust, these their Charity: For, he that Kills, considers not how he Butchers, but, he that Cures, takes heed how he Cuts; the former aims at destruction, the other at health and recovery.

Wicked Men kill'd the *Prophets*, and the *Prophets* put some Men to death. The *Jews* whipt *Christ*, and *Christ* whipt the *Jews*. The *Apostles* were delivered to the *Secular Powers*, and the *Apostles* delivered some to the *Power of Satan*: In all these we must consider who Suffers for the *TRUTH*, who for *INIQUITY*; who Afflicts to Hurt, who afflicts to amend. *Nebuchadnezzar* made a Decree, *That whosoever would not worship his Idols should be put to death*: he made another Decree afterward, *That whosoever should Blaspheme the God of Shedrac, &c. should be put to death*. The first was a wicked Law, punishing the Godly, the second was a Pious Law Correcting the ungodly. Who of us, nay, Who of you, does not Commend the Lawes of *Emperours* made against the *Heathen Sacrifices*, yet, there, the Penalty was Capital. But, in the Lawes against *Schismatics*, such moderation was used, that the Lawes seem'd rather to Admonish, then Punish you: For, perhaps it may be said of you, what *St. Paul* said of the *Jewes*, *Rom. 10. I bear them witness that they have a Zeale of God, but not according to knowledge; for, they being ignorant of Gods Righteousness, and going about to establish their own, have not submitted to the Righteousness*

*ness of God:* For, What do you else but establish your own *Righteousness*, when you say, None can be Godly but those of your own Party? you are altogether alike, except those amongst you, who know the Truth, and yet out of Stomack and Crossness fight against the Plain Truth; the wickedness of these perhaps is worse then Idolatry: But, this cannot easily be prov'd, for this lodges in their own breast, therefore all are Prosecuted with the like gentle Correction.

You who are called *Donatists*, from *Donatus*, seem milder then some other Sects, for you do not Rage and Range about with Troops of Cruel Souldiers plundering: But, no Beast is called tame, if he hurts no body, because he wants *Teeth* or *Clawes*. You say, You would not hurt; I think you cannot: you dare not with your small numbers attempt the strength of your Adversaries. I am sure that *Sect*, which you were of formerly, have severely executed the Lawes of the Emperours against Schismatics and Hereticks, against you and other Sectaries, this we can prove upon Record: Nay, you were not separated from them, when in their Petition to *Fulian*, they said, That with him nothing but Justice prevail'd, whom yet they knew to be an *Apostate* and *Idolater*: so that they must confess, that either they did shamefully Lye, in saying so, or else that *Idolatry* was *Justice*. But, suppose there was a Mistake in the word, What think you of the Fact? if nothing, which you call unjust, must be desired of *Princes*, Why did you then ask of *Fulian* that which the World counted unjust: But, you may, say you, Petition the Emperour for the recovery of your own, you must not accuse any, or desire to restrain their Liberty, because we find no Example amongst  
the

the *Apostles* for this: And, Where do you find any President amongst them for the former?

When your Predecessors Accused *Cacilian* Bishop of *Carthage*, as a Criminous Person, before the Emperour, you did not then Petition for your lost Goods, but you slander'd an Innocent, (as we think, and the event proved.) Then this, What could be more wicked? but, if you did deliver a Criminal indeed, to be Punish'd by the *Secular Powers*, Why do you blame us for doing that, which you your selves did before, and we doe not blame you for doing it, but for doing it Maliciously, to ruine an Innocent, not to Correct a Guilty one.

We justly complain of you, who account it a Crime in us, to Complain to a Christian Emperour, of the Enemies of our Communion; when as your Predecessors put in a *Libel* to the Emperour *Constantine* against *Cacilian*, and contrary to the Canons of the Church; You Complain'd of him to the Emperour, before he had been Convicted by his Collegues. The Emperour proceeding more Regularly, Remitted the Cause back to the Bishops; but, you would not then submit, but appeal'd to the Emperour again; accusing not *Cacilian* only, but all the Bishops, whom the Emperour had appointed Judges of the Cause; and, when the Emperour had determined, ye would not then yield to Truth and Peace.

What could *Constantine* determine against *Cacilian* and his Party, had they been Convicted by their Accusers, but the same that he did determine against those his Accusers, who fail'd in the Proof of their Accusations? He determined in the Cause, That the Goods of those who were Convicted of False Accusation,

sation, should be Confiscate. If this Sentence had been past against *Cacilian*, upon your Accusation and Proof of of the Crimes laid against him, you would have been call'd Friends of the Church, Defenders of Peace and Unity: but, when this Sentence is past against you, who falsely accus'd the Bishop, and would not be entreated to submit to the Unity of the *Church*, you cryed out of Persecution. You Contend, That no man ought to be Compel'd to the Communion of the *Church*: We must not return evil for evil. Was it not well said of you long since, What we Will, is good and holy? It is not unreasonable to believe, That *Constantines* Decree against your Ancestors is of force against you; and, that all Princes, especially the Christian, ought to follow that Pattern, when ever your Obstinacy compells them to it.

It is better to be urged to the Embracing of the Truth, by the fear of losing your Earthly Possessions, then to be suffer'd, by the Temptation of Vain-glory, to resist the Truth. It is no Persecution to be Compel'd to that which is good: It is true, no man can be made good against his will; but, the fear of Suffering may make him leave off his Animosity against the Truth, or make him willing to receive the Truth, which he formerly knew not, and persist in it, when he knows it.

This would perhaps be said to you in vain, if we could not make it evident by many examples; We know many, not single persons only, but whole Cities, that were *Donatists* and *Separatists*, now become good Catholick Christians, heartily Detesting their Devilish *Schisme*, and as heartily loving the *Unity* and *Communion* of the *Church*. All which were made such  
Converts

Converts, through the fear, which you dislike, of the Emperours Lawes, made by *Constantine*, and continued even to our present Emperour.

These Examples propounded to me by my Col-  
legues, made me to change my Opinion, for I was  
first of that Opinion; That no man ought to be  
Compel'd to the Uniry of Christ; That this was to  
be done only by Argument, and Force of Dispu-  
tation; That Men were to be Convict by Reason, not  
Compel'd by Lawes, for this I thought could do no-  
thing, but make open *Hereticks* or *Schismaticks*, Hy-  
pocritical and Counterfeit *Catholicks*: but, this Opi-  
nion I was Convinced to be an *Error*, not so much by  
strength of Argument, as by *Experience* and *Exam-  
ple*.

Mine own City, which was formerly wholly *Schif-  
matical*, of *Donatus* Party, is now Converted to the  
*Unity* of the *Church* by the fear of the Imperial Lawes,  
and do so perfectly detest their former stubborness,  
that you can hardly believe them ever to have been  
guilty.

Many other Cities more I knew so Converted, that  
I found by experience in this Cause, the truth of that  
which is written, *Prov. 9. Give Instruction to a Wise  
Man, and he will be yet wiser*. For, How many do  
we know who had a mind to return to the *Churches  
Unity*, being sufficiently satisfied of their duty, but  
deferr'd their return, onely out of fear of displeasing  
their own Party? How many are hardened against the  
Truth, by long Custome and Continuance in *Error*?  
How many have therefore thought their Party to be  
the



the True Church, because Security hath made them slothful, and careless to know the Truth? How many have been hindered from Communion with the Church by false Reports and Slanders of the *Holy Service*, and our Governours? How many continue in their several *Schismes*, upon this Opinion, That it is indifferent of what Party they be, so long as they Profess *Christianity*, if they were born and bred up in *Donatus* Party, there they continued, and thought that they ought not to be compell'd to the Unity of the *Church*.

To all these the Terror of the Imperial Lawes hath been so profitable, that now some ingeniously confess, We had a mind to return to the Church before, God be thanked for these Lawes, which have given us occasion to do it speedily, and cut off all our former delays. Others say, We believed the Church to have the Truth, but old Custom detained us in our *Error*, God be thanked who hath thus broken those Bonds, and brought us to the Bond of Peace. Others say, We knew not the Truth, nor had we any mind to learn it, but the fear of these Laws hath made us inquisitive after it, least by a foolish perseverance in our *errors*, we should lose our Temporal estates, without any recompence in another World; God be thanked, who hath thus quickned our negligence, by the Terror of the Law, and made us solicitous to seek, what formerly we did not care to find. Others say, We were Affrighted by false Rumours from entring into the Church, which we should never have known to be false, if we had not come to Church; and, we should never have come to Church, if we had not been compell'd: God be thanked, who hath cast out this Fear,  
by



430

(13)

by the fear of the Law, and taught us, by experience,  
to see what foolish and vain stories, LYING FAME  
Casts out upon the CHURCH.

Hence we believe, That what the Authors of this  
Sect Accused the Church of, was false, since we see  
their Posterity hath Feigned Things more False and  
Vvorse. Others say, VVe thought it had been no  
matter where we Profest the Faith of *Christ*; but, God  
be Thanked that we have been Compell'd to the Uni-  
ty of the Church, and brought from our Schism to  
serve the one God in *Unity*.

Should I oppose the Execution of these Good Laws,  
and deprive the VWorld of so much Benefit and Ad-  
vantage? No: Let the Kings of the Earth serve *Christ*,  
by making LAVVES for *Christ*.

The Terror of Temporal Powers, when it Oppo-  
ses the Truth, is to the Patient Sufferer a Glorious  
Tryal, to the VWeak a dangerous Temptation; but,  
when it Presses the Truth upon those who are in Er-  
ror, it is to the VVise and Sincere a Profitable Admo-  
nition, to the Senceless and Regardless an unprofitable  
Affliction.

CONSTANTINE, the first *Christian* Emperor, find-  
ing the Church Disturbed by several *Schismes*, made a  
LAVV against all CONVENTICLES, by which  
LAVV the Memory of *Hereticks* and *Schismaticks* was  
Destroyed: *Historia tripartita*, lib. 3. c. 11. *Sozomen*.  
*Ent. Histor. lib. 2. c. 30.*

C

GRATIAN

**GRATIAN** the Emperour gave **LIBERTY** to all,  
 to Communicate in what **RELIGION** they pleas'd,  
 which divided the Churches again, which he could not  
 Quiet but by a Law against *Hereticks*, and those who  
 Divided from the Church. *Hist. Tripart. l. 9. cap. 5.*  
 & 7.

---

**F I N I S.**

---

